

Notice of Allowability

Application No.

10/670,593

Examiner

VAN T. PHAM

Applicant(s)

MAR, WILLIAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/18/2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

Election/Restrictions

1. The restriction requirement species, as set forth in the Office action mailed on 8/18/2006, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim. Claims 14-20, directed to not remain withdrawn from further consideration because they do require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141. Therefore, claims 1-20 are pending.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

Claims 1-20 are allowed.

The admitted prior art discloses a method for adjusting a reference level of an analog signal from a plurality of periodically sampled points, said method comprising steps of: comparing a first number of sampled points having levels higher than an initial reference level with a second number of sampled points having levels lower than said initial reference level within a specified period (fig. 1); raising said initial reference level when said first number is greater than said second number, and lowering said initial reference level when said first number is less than said second number, thereby obtaining a new reference level, and defining said new reference level as a first-stage reference level (see Fig. 1 and [0004]-[0005]).

Keirn, Figs. 6-9, discloses a method for adjusting a reference level of an analog signal from a plurality of periodically sampled points, said method comprising steps of: comparing a first number of sampled points having levels higher than an initial reference level with a second number of sampled points having levels lower than said initial reference level within a specified period; raising said initial reference level when said first number is greater than said second number, and lowering said initial reference level when said first number is less than said second number, thereby obtaining a new reference level, and defining said new reference level as a first-stage reference level (see [0065]); determining a first level shift from said first-stage reference level to a last second sampled point within said specified period and a second level shift from said first-stage reference level to a last sampled point within said specified period (see Figs. 6-9).

None of the cited references suggest or disclose a combination of the steps of the admitted art and Keirn disclose above and the limitation of determining a first level shift from said first-stage reference level to a last second sampled point within said specified period and a second level shift from said first-stage reference level to a last sampled point within said specified period when one of a first level of said last second sampled point and a second level of said last sampled point is higher than said first-stage reference level and the other is lower than said first-stage reference level; and moving said first-stage reference level toward said first level when an absolute value of said first level shift is greater than an absolute value of said

second level shift, and moving said first-stage reference level toward said second level when said absolute value of said first level shift is less than said absolute value of said second level shift, thereby defining a second-stage reference level.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited References

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to a method for recovering data and control chip utilizing; optical disc on which a plurality of data pits whose edge positions are shifted according to a multi-level pit edge recording method; A method for locating an electric level distribution range of sampled signals is provided.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

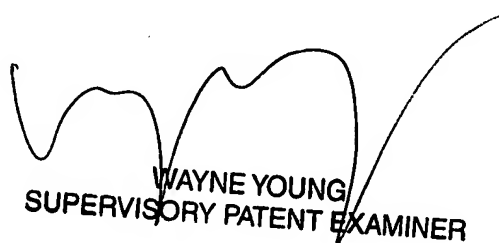
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER